

**CASE**

**NUMBER:**

99 - 464

INDEX FOR CASE: 1999-464UAC  
CINCINNATI SMSA, LIMITED PARTNERSHIP  
Construct  
CELL SITE - 7500 TURFWAY ROAD - FLORENCE, BOONE COUNTY

IN THE MATTER OF THE UNIFORM APPLICATION OF THE CINCINNATI  
SMSA LIMITED PARTNERSHIP FOR THE ISSUANCE OF A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS  
COMMUNICATIONS FACILITY IN FLORENCE, BOONE COUNTY, KENTUCKY  
IN THE KENTUCKY PORTIONS OF THE CINCINNATI MSA AND CALLED  
THE FLORENCE/TURFWAY PARK CELL SITE, AACM

SEQ NBR	ENTRY DATE	REMARKS
0001	11/24/1999	Application.
0002	11/24/1999	Acknowledgement letter.
0003	03/03/2000	.Final Order granting a Certificate to construct.
M0001	03/13/2000	BOONE CO PLANNING COMM-REQUEST FOR PSC TO VOID PREVIOUS ACTION TO APPROVE APPLICATION
M0002	03/16/2000	QUINT MCTYIRE AMERITECH-MOTION TO VACATE PSC ORDER OF MARCH 3,00
0004	03/24/2000	Order vacating 3/3/2000 order; reopening and returning case to active docket.
M0003	06/22/2000	QUINT MCTYEIRE CINCINNATI SMSA LIM-NOTICE OF FILING & MOTIONS OF AMERITECH CELLULAR
0005	08/25/2000	FINAL ORDER GRANTING CONSTRUCTION



COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-464 UAC  
CINCINNATI SMSA, LIMITED PARTNERSHIP

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on August 25, 2000.

Parties of Record:

Lois J. Reed  
Manager - External Affairs  
Ameritech Mobile Phone Service  
of Cincinnati, Inc.  
2000 West Ameritech Center Drive  
3H91C  
Hoffman Estates, IL. 60195 5000

Honorable Holland N. McTyeire  
Attorney at Law  
Greenbaum Doll & McDonald PLLC  
3300 National city Tower  
101 South Fifth Street  
Louisville, KY. 40202 3197

*Stephanie J. Bell*

Secretary of the Commission

SB/sa  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF THE CINCINNATI )  
SMSA LIMITED PARTNERSHIP FOR THE ISSUANCE OF )  
A CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO.  
NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS) 99-464-UAC  
FACILITY IN FLORENCE, BOONE COUNTY, KENTUCKY IN THE )  
KENTUCKY PORTIONS OF THE CINCINNATI MSA AND CALLED)  
THE FLORENCE/TURFWAY PARK CELL SITE, AACM )

O R D E R

On November 24, 1999, the Cincinnati SMSA Limited Partnership ("Ameritech Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Cincinnati Market Service Area ("MSA"). The proposed cell site is to be located at 7500 Turfway Road, Florence, Boone County, Kentucky 41042. The coordinates for the cell site are North Latitude 39° 1' 17.9" by West Longitude 84° 37' 57.3".

Ameritech Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Florence/Turfway Park cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Ameritech Cellular has submitted the uniform application to the Boone County Planning and Zoning Commission ("BCPZC"). As the

Public Service Commission had not received a response from the BCPZC within the statutory period, it appeared that approval was deemed to have occurred under the statute, and a Certificate of Public Convenience and Necessity was granted on March 3, 2000. Upon receiving the Order, Ameritech Cellular notified the Commission of an agreement reached with the BCPZC. The mutual agreement called for action by the BCPZC at a date later than the termination of the statutory period. On March 16, 2000, Ameritech Cellular filed a motion to vacate the Certificate of Public Convenience and Necessity, upon which the Commission acted on March 24, 2000. On June 22, 2000, Ameritech Cellular filed the subsequent approval from the BCPZC and requested the Commission to approve the site.

Ameritech Cellular has filed and received approval for the application with the Federal Aviation Administration ("FAA"). Ameritech Cellular has filed an application and awaits a decision from the Kentucky Airport Zoning Commission ("KAZC").

Ameritech Cellular has filed notices verifying that each person who owns property within 500 feet of the cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Ameritech Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this

Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Ameritech Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Ameritech Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Florence/Turfway Park cell site in the Cincinnati MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Ameritech Cellular is granted a Certificate of Public Convenience and Necessity to construct and operate the Florence/Turfway Park cell site.
2. Ameritech Cellular shall file a copy of the final decision regarding the pending KAZC application for this cell site construction within 10 days of receiving the decision.
3. Ameritech Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 25th day of August, 2000.

By the Commission

ATTEST:



Executive Director

**GREENEBAUM DOLL & McDONALD PLLC**

3300 NATIONAL CITY TOWER  
101 SOUTH FIFTH STREET  
LOUISVILLE, KENTUCKY 40202-3197  
502/589-4200

HOLLAND N. MCTYEIRE, V  
502/587-3672  
FAX 502/540-2223  
E-MAIL hnm@gdm.com

*Via Hand Delivery*

April 14, 2000

Mr. Martin J. Huelsmann  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RECEIVED

APR 14 2000

PUBLIC SERVICE  
COMMISSION

Re: In the Matter of: Uniform Application Of Cincinnati SMSA Limited Partnership For The Issuance Of A Certificate Of Public Convenience And Necessity To Construct A Wireless Communications Facility In Florence, Boone County, Kentucky In The Kentucky Portions of The Cincinnati MSA And Called The Florence/Turfway Park Cell Site, AACM, Case No. 99-464 UAC

Dear Ms. Helton:

Enclosed herewith please find the original of the Notice Of Filing Of Ameritech Cellular and six copies of this letter for filing with the Commission in the above-styled matter.

If you or your staff have any questions regarding the Notice Of Filing Of Ameritech Cellular please do not hesitate to contact me.

Sincerely,



Holland N. McTyeire, V

HNM/jh  
Enclosure

cc: Deborah Eversole  
Todd Morgan  
Lois J. Reed  
Cynthia Rafalski  
Sean P. Dunn

LOU:553261.1



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

March 24, 2000

Lois J. Reed  
Manager - External Affairs  
Ameritech Mobile Phone Service  
of Cincinnati, Inc.  
2000 West Ameritech Center Drive  
3H91C  
Hoffman Estates, IL. 60195 5000

Honorable Holland N. McTyeire  
Attorney at Law  
Greenbaum Doll & McDonald PLLC  
3300 National city Tower  
101 South Fifth Street  
Louisville, KY. 40202 3197

RE: Case No. 1999-464 UAC

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

A handwritten signature in black ink that reads "Stephanie J. Bell".

Stephanie Bell  
Secretary of the Commission

SB/cm  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE UNIFORM APPLICATION OF THE	)	
CINCINNATI SMSA LIMITED PARTNERSHIP	)	
FOR THE ISSUANCE OF A CERTIFICATE OF	)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO	)	99-464-UAC
CONSTRUCT A WIRELESS COMMUNICATIONS	)	
FACILITY IN FLORENCE, BOONE COUNTY,	)	
KENTUCKY IN THE KENTUCKY PORTIONS OF	)	
THE CINCINNATI MSA AND CALLED THE	)	
FLORENCE/TURFWAY PARK CELL SITE, AACM	)	

O R D E R

On March 3, 2000, the Commission entered its Order in this case granting Cincinnati SMSA Limited Partnership ("Ameritech Cellular") a certificate of public convenience and necessity to construct a wireless telecommunications tower in Florence, Boone County, Kentucky. Pursuant to KRS 100.987, the Boone County Planning and Zoning Commission (the "Planning Commission") was entitled to review the proposed construction and to approve or reject it, prior to this Commission's issuance of an order. However, also pursuant to KRS 100.987, the time given to planning commissions is limited to sixty days or a longer time agreed to by the applicant and the planning commission. After the deadline has passed without issuance of a written decision by the planning commission, the planning commission is presumed by law to have approved the application. As of March 3, the date of the Order in this case, the Commission had not received a planning commission decision, and the sixty-day period had long since expired. Accordingly, the case appeared to be ripe for decision and the Order was entered.

On March 16, 2000, Ameritech Cellular submitted a motion to vacate the Commission's March 3 Order. As grounds for its motion, Ameritech Cellular explains that it had agreed to extend the Planning Commission's time for review pursuant to KRS 100.987(4) and had inadvertently failed to inform this Commission of that extension.

The information filed by Ameritech Cellular makes it clear that the March 3 Order should be vacated. Pursuant to law, the Planning Commission is entitled to enter its decision and to forward that decision to this Commission prior to issuance of a final Order.

IT IS THEREFORE ORDERED that:

1. The motion of Ameritech Cellular to vacate the Commission's March 3, 2000 Order in this case is granted.
2. This case is hereby reopened and returned to the Commission's docket.

Done at Frankfort, Kentucky, this 24th day of March, 2000.

By the Commission

ATTEST:

  
Executive Director

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail [plancom@one.net](mailto:plancom@one.net)

March 10, 2000

Ms. Helen Helton  
Executive Director  
Kentucky Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40601

RECEIVED  
MAR 13 2000  
PUBLIC SERVICE  
COMMISSION

RE: In the Matter Of: Uniform Application of Cincinnati SMSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in Florence, Boone County, Kentucky and Called the Florence/Turfway Park Cell Site, AACM, Case No. 1999-464 UAC

Dear Ms. Helton:

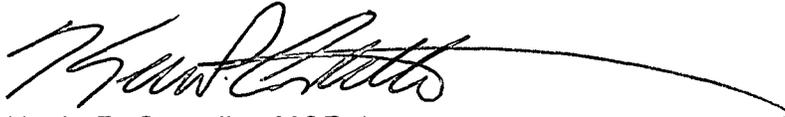
This letter is to inform you that Ameritech Cellular has filed its Uniform Application for a cellular telecommunications facility before the Boone County Planning Commission in accordance with the provisions in KRS Chapter 100.985 - 100.987. The submitted Uniform Application is for a site located at 7500 Turfway Road in Boone County, Kentucky.

In the review of this Uniform Application before the Boone County Planning Commission, the applicant, Ameritech Cellular, agreed on February 14, 2000 to waive the 60-day deadline set forth in KRS 100.987(4)(c) [see attached letter]. Consequently, the Boone County Planning Commission would like the Kentucky Public Service Commission to void its previous action to approve the above application since a local decision and recommendation by the Boone County Planning Commission was not made at the applicant's request. The Boone County Planning Commission will be making a decision within the next 2-3 weeks.

Ms. Helen Helton  
March 10, 2000  
Page 2

On behalf of the members of the Boone County Planning Commission, I appreciate your time and consideration of this matter. Please advise us in writing of your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin P. Costello", with a long horizontal flourish extending to the right.

Kevin P. Costello, AICP  
Executive Director

KPC/vlm

Enclosure

cc: Sean P. Dunn, Esq.  
Todd Morgan, Planner  
Dale T. Wilson, Esq.

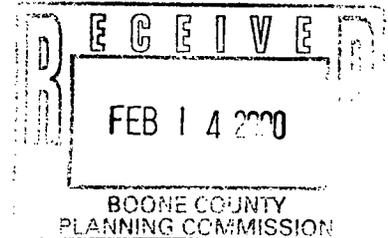
CALFEE, HALTER & GRISWOLD LLP  
ATTORNEYS AT LAW

Suite 1500  
88 East Broad Street Columbus, Ohio 43215-3506  
614/621-1500 Fax 614/621-0010

email: sdunn@calfee.com

February 11, 2000

Todd Morgan  
Planner  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005



Re: In The Matter Of: Uniform Application Of Cincinnati SMSA Limited Partnership  
For The Issuance Of A Certificate Of Public Convenience And Necessity To  
Construct A Wireless Communications Facility In Florence, Boone County,  
Kentucky And The Called The Florence/Turfway Park Cell Site,  
AACM Case No. 1999-464 UAC

Dear Todd:

As we discussed, Ameritech Cellular requests that its above-cited application not be considered at the Business Meeting to be held by the Boone County Planning Commission (the "BCPC") currently scheduled for February 16, 2000 and that the application instead be considered at the Wednesday, March 15, 2000 Business Meeting. The extra time will allow Ameritech Cellular to provide the BCPC with the information previously requested regarding alternative site locations.

Ameritech Cellular agrees to extend the 60-day deadline set forth by House Bill 168 Section 2(4)(c), now codified as KRS 100.987(4)(c), for a decision by the BCPC by the number of days of the continuance granted to Ameritech Cellular by the BCPC.

If you have any questions with regard to this matter, please do not hesitate to call me.

Very truly yours,

  
Sean P. Dunn

cc: Lois J. Reed  
Cynthia Rafalski  
Holland N. McTyeire, V



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-464 UAC  
CINCINNATI SMSA, LIMITED PARTNERSHIP

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 3, 2000.

Parties of Record:

Lois J. Reed  
Manager - External Affairs  
Ameritech Mobile Phone Service  
of Cincinnati, Inc.  
2000 West Ameritech Center Drive  
3H91C  
Hoffman Estates, IL. 60195 5000

Honorable Holland N. McTyeire  
Attorney at Law  
Greenbaum Doll & McDonald PLLC  
3300 National city Tower  
101 South Fifth Street  
Louisville, KY. 40202 3197

  
Secretary of the Commission

SB/hv  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF THE CINCINNATI )  
SMSA LIMITED PARTNERSHIP FOR THE ISSUANCE OF )  
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FACILITY IN FLORENCE, BOONE COUNTY, KENTUCKY IN THE )  
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THE FLORENCE/TURFWAY PARK CELL SITE, AACM )

O R D E R

On November 24, 1999, the Cincinnati SMSA Limited Partnership ("Ameritech Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Cincinnati Market Service Area ("MSA"). The proposed cell site is to be located at 7500 Turfway Road, Florence, Boone County, Kentucky. The coordinates for the cell site are North Latitude 39° 1' 17.9" by West Longitude 84° 37' 57.3".

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proposed construction. As the Public Service Commission has not received a response from the BCPZC, the application is, by law, presumed to have been approved. KRS 100.987. Ameritech Cellular has filed and received approval for the application from the Federal Aviation Administration. Ameritech Cellular has filed an application and awaits a decision from the Kentucky Airport Zoning Commission ("KAZC").

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The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Ameritech Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Florence/Turfway Park cell site in the Cincinnati MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

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2. Ameritech Cellular shall file a copy of the final decision regarding the pending KAZC application for this cell site construction within 10 days of receiving the decision.
3. Ameritech Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 3rd day of March, 2000.

By the Commission

ATTEST:

*W. H. Barber*  
Deputy Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

December 10, 1999

Lois J. Reed  
Manager - External Affairs  
Ameritech Mobile Phone Service  
of Cincinnati, Inc.  
2000 West Ameritech Center Drive  
3H91C  
Hoffman Estates, IL. 60195 5000

Honorable Holland N. McTyeire  
Attorney at Law  
Greenbaum Doll & McDonald PLLC  
3300 National city Tower  
101 South Fifth Street  
Louisville, KY. 40202 3197

RE: Case No. 1999-464 UAC  
CINCINNATI SMSA, LIMITED PARTNERSHIP

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/sh  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
NOV 24 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

Uniform Application Of The Cincinnati )  
SMSA Limited Partnership For The Issuance Of )  
A Certificate Of Public Convenience And )  
Necessity To Construct A Wireless Communications )  
Facility In Florence, Boone County, Kentucky In The )  
Kentucky Portions Of The Cincinnati MSA And Called )  
The Florence/Turfway Park Cell Site, AACM )

CASE NO.

99-464 UAC

FILED

NOV 24 1999

PUBLIC SERVICE  
COMMISSION

\* \* \*

FOR THE PUBLIC RECORD

Applicant, Cincinnati SMSA Limited Partnership ("Ameritech Cellular"), through counsel, pursuant to KRS 278.020 and the rules and regulations applicable thereto and the Telecommunications Act of 1996, and House Bill 168 ("HB 168"), respectfully submits to the Commission its Uniform Application For A Certificate Of Public Convenience And Necessity To Construct A Wireless Communications Facility at 7500 Turfway Road, Florence, Boone County, Kentucky 41042 and called the Florence/Turfway Park Cell Site.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

November 24, 1999

Lois J. Reed  
Manager - External Affairs  
Ameritech Mobile Phone Service  
of Cincinnati, Inc.  
2000 West Ameritech Center Drive  
3H91C  
Hoffman Estates, IL. 60195 5000

Honorable Holland N. McTyeire  
Attorney at Law  
Greenbaum Doll & McDonald PLLC  
3300 National city Tower  
101 South Fifth Street  
Louisville, KY. 40202 3197

RE: Case No. 1999-464 UAC  
CINCINNATI SMSA, LIMITED PARTNERSHIP  
(Construct) CELL SITE - 7500 TURFWAY ROAD - FLORENCE, BOONE COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received November 24, 1999 and has been assigned Case No. 1999-464. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc